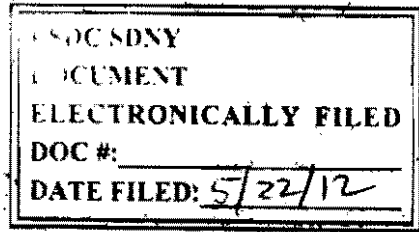


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



KNOLL, INC.,

Plaintiff,

-against-

MODERNO, INC. AND URBAN MOD, INC.,  
D/B/A REGENCY SHOP and MIKE SAXENA,

Defendants.

**SUMMARY ORDER**

11 Civ. 488 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiff has moved for partial summary judgment on the issue of Defendants' liability for trademark infringement. I deny Plaintiff's motion, without prejudice, as premature. A motion on liability only, leaving questions of damages for discovery and later consideration, is not a wise use of judicial resources. Furthermore, the issue of Plaintiff's right to obtain trademark exclusivity in a product by reason of the product's esthetic design is an issue that is contested in a companion case, Knoll, Inc. v. Regency Seating, Inc. et al., 12 Civ. 921, and it would not be appropriate for me to decide that issue in this case without involving the other adverse party.

Finally, as I ruled at the status conference held May 18, 2012, it is premature to decide Plaintiff's motion in light of the discovery extension I granted on the application of Defendants' substitute counsel.

The Clerk shall mark the motion (Doc. No. 71) terminated.

SO ORDERED.

Dated: May 22, 2012  
New York, New York

ALVIN K. HELLERSTEIN  
United States District Judge